

REMARKS/ARGUMENT

1) Claims 33-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's Own Admitted Prior Art, AOAPA hereinafter (tables 1 and 2) and reference made to 3GPP RAN 25.214, 1999 in pages 19-21 in the specification of the current application. Applicants respectfully traverse this rejection, as set forth below.

In order that the rejection of Claims 33-38 be sustainable, it is fundamental that "each and every element as set forth in the claim be found, either expressly or inherently described, in a single prior art reference." Verdegall Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See also, Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989), where the court states, "The identical invention must be shown in as complete detail as is contained in the ... claim".

Furthermore, "all words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Independent Claim 33, as amended, requires and positively recites, a method of transmitting information comprising the steps of: "receiving an information signal", "receiving a plurality of coefficients from a remote communication system", "**averaging less than four of the coefficients over a plurality of slots**", "producing a plurality of weighted information signals from respective coefficients and the information signal" and "transmitting the plurality of weighted information signals from respective antennas".

In contrast, the AOAPA averages four of the coefficients over a plurality of slots VERSUS the less than four of the present invention. As such, the AOAPA fails to teach or suggest, **“averaging less than four of the coefficients over a plurality of slots”**, as required by Claim 33. Accordingly, the 35 U.S.C. 102(b) rejection of Claim 33 is overcome.

Claims 34-38 stand allowable as depending directly, or indirectly, respectively from allowable Claim 33.

Claim 34 further defines the method as in claim 33, by further comprising the steps of: “encoding the information signal”, “interleaving the information signal”, “symbol mapping the information signal” and “modulating the information signal”. Claim 34 depends from Claim 33 and stands allowable for the same reasons set forth above in support of the allowability of Claim 33.

Claim 35 further defines the method as in claim 33, wherein the step of producing a plurality of weighted information signals comprises the steps of: “multiplying the information signal by a first coefficient, thereby producing a first weighted information signal” and “multiplying the information signal by a second coefficient, thereby producing a second weighted information signal”. Claim 35 depends from Claim 33 and stands allowable for the same reasons set forth above in support of the allowability of Claim 33.

Claim 36 further defines the method as in claim 35 by further comprising the steps of: “transmitting the first weighted information signal from a first antenna” and “transmitting the second weighted information signal from a second antenna”. Claim 36 depends from Claim 35 and stands allowable for the same reasons set forth above in support of the allowability of Claim 35.

Claim 37 further defines the method as in claim 35, wherein the respective coefficients correspond respectively to previously transmitted weighted information signals. Claim 37 depends from Claim 35 and stands allowable for the same reasons set forth above in support of the allowability of Claim 35.

Claim 38 further defines the method as in claim 35 comprising the steps of: "transmitting a first set of pilot symbols over a primary common control physical channel (PCCPCH)" and "transmitting a second set of pilot symbols and the weighted information signals over a dedicated physical channel (DPCH)". Claim 38 depends from Claim 35 and stands allowable for the same reasons set forth above in support of the allowability of Claim 35.

New Claim 39-44 are apparatus equivalents of the methods of Claim 33-38 and are allowable for the same reasons provided above in support of the allowability of Claims 33-38. New Claims 45 and 46 are similarly allowable.

Claims 33-38 stand allowable. Similarly new Claims 39-46 stand allowable. Applicants respectfully request withdrawal of the remaining rejections and allowance of the application at the earliest possible date.

Respectfully submitted,



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